

1 Kenneth N. Frucht, Esq.
2 Frederick J. Geonetta, Esq.
GEONETTA & FRUCHT, LLP
3 100 Montgomery Street, Suite 1600
San Francisco, CA 94104
4 Attorneys for Plaintiff
Telephone: (415) 433.4589
Facsimile: (415) 392.7973

5
6 Attorneys for Plaintiff
GLEN LEATHERBURY

7 Steven R. Blackburn, State Bar No. 154797
Matthew A. Goodin, State Bar No. 169674
8 Lauren M. Cooper, State Bar No. 254580
EPSTEIN BECKER & GREEN, P.C.
9 One California Street, 26th Floor
San Francisco, California 94111-5427
10 Telephone: 415.398.3500
Facsimile: 415.398.0955
11 sblackburn@ebglaw.com
mgoodin@ebglaw.com
12 bbrown@ebglaw.com

13 Attorneys for Defendants,
C&H SUGAR COMPANY, INC. and
14 AMERICAN SUGAR REFINING, INC.

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18
19 GLEN LEATHERBURY,

CASE NO. CV 10-01969 SI

20 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE PRE-TRIAL
DATES**

21 v.

22 C&H SUGAR COMPANY, INC., a Delaware
Corporation, AMERICAN SUGAR
23 REFINING, INC., a Delaware Corporation,
and DOES 1-100, inclusive,

24 Defendant.

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27 The parties hereby stipulate and agree as follows:

28 WHEREAS; the parties took longer than expected to complete the electronically stored

1 information (“ESI”) collection due to an error caused by Defendant’s third-party vendor.

2 WHEREAS; the parties have agreed to mediate this matter and would like to do so
3 before incurring expense to prepare and oppose motions for summary judgment.

4 WHEREAS; Plaintiffs would like to complete the depositions of third-party witnesses
5 Francine Cronin and Kim Merritt prior to participating in mediation.

6 THE PARTIES HEREBY AGREE AND REQUEST a continuance of the pre-trial dates
7 as follows:

8 Dispositive motions:

- 9 • Filed by: October 5, 2012
10 • Opp. due by: October 19, 2012
11 • Reply due by: October 26, 2012
12 • Set for hearing no later than November 9, 2012 at 9:00 a.m.

13 Non-Expert Discovery cutoff: October 8, 2012

14 Expert designation: August 17, 2012

15 Rebuttal expert designation: September 17, 2012

16 Expert discovery cutoff: October 8, 2012

17 Pretrial conference: January 7, 2012 at 3:30 p.m.

18 Jury Trial: January ~~21~~, 2012 at 8:30 a.m.

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DATED: June 11, 2012

GEONETTA & FRUCHT, LLP

By: /s/ Kenneth N. Frucht

Kenneth N. Frucht, Esq.

Frederick J. Geonetta, Esq.

Attorneys for Plaintiffs

GLEN LEATHERBURY

DATED: June 11, 2012

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Lauren M. Cooper

Steven R. Blackburn

Matthew A. Goodin

Lauren M. Cooper

Attorneys for Defendants,

C&H SUGAR COMPANY, INC. and
AMERICAN SUGAR REFINING, INC.

[PROPOSED] ORDER

IT IS HEREBY ORDERED that the pre-trial dates are continued as follows:

Dispositive motions:

- Filed by: October 5, 2012
- Opp. due by: October 19, 2012
- Reply due by: October 26, 2012
- Set for hearing no later than November 9, 2012 at 9:00 a.m.

Non-Expert Discovery cutoff: October 8, 2012

Expert designation: August 17, 2012

Rebuttal expert designation: September 17, 2012

Expert discovery cutoff: October 8, 2012

Dec. 18,

Pretrial conference: ~~January 7, 2012~~ at 3:30 p.m.

Jury Trial: January ~~21~~²², 2012 at 8:30 a.m.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED

Date: 6/12/12



JUDGE OF THE DISTRICT COURT